IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17003 of 2004

Between:

Shri Matta Satyanarayana S/o Satyam
R/o Dwarapudi, Mandapeta, Mandal, East Godavari District

..... PETITIONER

AND

1 Executive Engineer, R & B, Kakinada, East Godavari District
2 Assistant Engineer, R&B Biccavole, East Godavari District
3 Executive Engineer, Public Works Department Eastern Division, ... Dowlaiswaram, E.G. District
4 Assistant Engineer, PWD Biccavole, East Godavari District
5 Mandal Revenue Officer, Mandapeta Mandapeta Mandal, East Godavari . . . . District
6 Grampanchayat, Dwarapudi rep by Sarpanch, Dwarapudi, East Godavari . . District
7 Station House Officer, Mandapeta, Mandapeta PS, East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Order or direction, more particularly one in the nature of Writ of Mandamus, directing the respondents, their men or any one claiming through them in any manner, not to cause removal of my wooden cabin bearing Door No. 10-198/10 situated on the left berm of samalkota Canal in Dwarapudi Village, Mandapeta Mandal, East Godavari District

Counsel for the Petitioner:MR.M.SIVANANDA KUMAR

Counsel for the Respondents.: GP FOR ROADS & BUILDINGS

The Court made the following :

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ORDER:

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The petitioner claims that he erected a small wooden structure on the road margin and was running a Soda and Panshop since several years. He further contends that the said wooden structure was given door number by the concerned Panchayath and he also obtained electricity connection. He further submits that the respondents are proclaiming that they would remove the wooden structure, without following the procedure prescribed under the law. If the structure is removed, it would cause any amount of hardship, which would inturn deprive him of his livelihood. Therefore, he approached this Court seeking a direction to the respondents, not to remove the wooden structure erected by him.

The petitioner did not spell out to whom does the site in which the structure was raised belongs and whether he obtained lease or licence or any permission from the respondents. He also did not mention since how many years he has been conducting the business in the said wooden structure.

In the absence of any such material and in the absence of infringement of any rights of the petitioner, no writ could be entertained. The photos filed by the petitioner indicate that there is a small wooden structure with thatched pandal. It looks like a structure in the road margin causing obstruction to the vehicles on the road. Unless the petitioner makes out a prima facie case whether any of his rights have been infringed, he cannot maintain the Writ Petition. If he has any right over the said site, he may work out his rights in a competent Civil Court.

Writ Petition is accordingly dismissed. No order as to costs.

Dr. G.Yethirajulu,J.

21st September, 2004

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Executive Engineer, R & B, Kakinada, East Godavari District
2 Assistant Engineer, R&B Biccavole, East Godavari District
3 Executive Engineer, Public Works Department Eastern Division, ... Dowlaiswaram, E.G. District
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7 Station House Officer, Mandapeta, Mandapeta PS, East Godavari District

8. 2CCs to G.P. for Roads and Buildings, High Court Buildings, Hyd.(OUT

2.2CD copies

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

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